

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

KBS PHARMACY, INC.	:	CIVIL ACTION
	:	
v.	:	
	:	
JIGAR PATEL, et al.	:	NO. 21-1339

ORDER

AND NOW, this 9th day of June, 2021, for the reasons set forth in the foregoing memorandum, it is hereby ORDERED that:

- (1) The motion of defendants for partial dismissal of plaintiff's complaint (Doc. #6) is GRANTED in part and DENIED in part;
- (2) Count I of plaintiff's complaint is DISMISSED as to defendants Jigar Patel, Christine Crager, and BVM Enterprise, LLC d/b/a Smart Choice Pharmacy;
- (3) Count II is DISMISSED as to all defendants;
- (4) Count III is DISMISSED as to all defendants;
- (5) Count VII is DISMISSED as to Jigar Patel and Christine Crager;
- (6) Count VIII is DISMISSED as to all defendants;
- (7) Count IX is DISMISSED as to all defendants;
- (8) Count XII is DISMISSED as to all defendants;

- (9) Count XIII for punitive damages, incorrectly pleaded as Count XI, is DISMISSED as to all defendants;
- (10) The complaint is DISMISSED insofar as plaintiff seeks attorneys' fees for the remaining Counts I, IV, V, VII, X, and XI; and
- (11) The motion for partial dismissal of the complaint is otherwise DENIED.

BY THE COURT:

/s/ Harvey Bartle III

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J.